

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the courtesies extended during the recent in person interview held on October 16, 2006. The amendments made by this paper are consistent with the proposals discussed during the interview.

The latest and non-final Office Action, mailed September 12, 2006, considered claims 1-13 and 16-30. Of those claims, claims 1-3, 5-13, 16-23 and 26-30 were rejected under 35 U.S.C. §102(e) as being anticipated by Horizita et al. (US 2006/0036642). The remaining claims were objected to, but otherwise found allowable.

By this paper, claims 1 and 16 have been amended and new claims 31 and 32 have been added, such that claims 1-13 and 16-30 remain pending and of which claims 1, 16, 31 and 32 are the only independent claims at issue. Disclosure supporting the new claims includes ¶¶ [0008], [0031]-[0033], [0039]-[0044], as well as claims 24 & 30.

As discussed during the interview, the pending claims are directed towards embodiments for notifying a user of an event in a context sensitive manner. The method recited in claim 1, for example, includes a system detecting an event which requires a notification be dispatched to the user at a particular designated device. Thereafter, upon identifying the particular designated device to dispatch the notification to and upon detecting the event, the system accesses a current context of the user corresponding to a user status at the particular designated device. Then a plurality of possible notification methods to use in order to dispatch the notification to the particular designated device are identified, and an appropriate one of the notification methods is used to provide the notification to the user and based on the current context of the user with the particular designated device.

Claim 16 is directed to a corresponding computer program product for implementing the method recited in claim 1.

The only other independent claims, claims 31-32, are new method claims that have been presented to claim specific variants of the method recited in claim 1. Claim 31, for example, recites a combination of claim elements requiring the consideration of a plurality of possible device settings that include at least one of a hands free mode or an out of range mode of the designated device in order to determine the user context. Claim 32, on the other hand, recites a

combination of claim elements requiring authentication of the user prior to sending notifications to the user. The limitation requiring authentication is one of the limitations found in the allowable/objected to 24.

The priority date of the new art used to reject the claims, Horvitz, was discussed during the interview as it appears as the priority application, upon which Horvitz relies for its priority date (namely, the provisional application of Oct. 22, 2001), fails to anticipate the claim elements recited in the claims. Accordingly, for at least this reason, as discussed during the interview, Horvitz should also not be used for any §102 rejection of the pending claims. Notwithstanding the foregoing disqualification of Horvitz as prior art, new claims 31 and 32 have been added to clearly recite specific embodiments that Horvitz clearly fails to anticipate, such as, for example, embodiments that include a combination of claim elements requiring (1) user authentication prior to sending notifications and/or (2) the consideration of a plurality of possible device settings that include at least one of a hands free mode or an out of range mode of the designated device. Compare, for example, Horvitz ¶¶ 7, 11-12, 166 and 210 (including tables 2A and 10).¹

As further discussed during the interview, Horvitz cannot be used to reject any of the claims for obviousness under §103, inasmuch as Horvitz was commonly assigned to (or subject to an assignment to) Microsoft, the assignee of the present application at the time of the invention and because Horvitz qualifies as prior art, if at all, as §102(e) prior art.

As further discussed during the interview, the previously relied upon art (Lohtia-U.S. Patent Application 09/916,608) also fails to anticipate or make obvious the claimed invention. In particular, while Lohtia considers the presence information of a user to determine which of a plurality of different user's devices to send a notification to, Lohtia fails to disclose or suggest an embodiment in which a consideration or selection is made from a plurality of different notification methods for sending a notification to a predetermined and specific device, based on the user's context at that particular device, as claimed in combination with the other recited claim elements.

The Examiner inquired (and requested that we address in this response) how Lohtia would apply to determining circumstances for sending an audible/voice message sent to a user's telephone or voicemail. As discussed, Lohtia would first determine what device to send the

¹ It is not being argued at this time that Horvitz would not render such embodiments obvious, as it is not necessary. However, Applicant reserves the right to do so at an appropriate time in the future, should the need arise.

voice message to. If it was determined, for example, to send the message to a user's phone device, based on the user's presence information, Lohtia would then send the message to the user's phone. Notably, the same delivery notification method would still be used, however, irrespective of whether the phone is picked up by the user or whether the user failed to answer the phone in such a way that the voicemail of the phone captured the notification. Nowhere does Lohtia consider or suggest that the type of delivery method used to send the message to the particular device (e.g., the phone) is selected from a plurality of different delivery methods (e.g., audible, visual, and so forth), and particularly based on the context of the user with that specific device. Instead, Lohtia only contemplates and determines which of a plurality of different devices the message should be sent to, not what type of delivery method to use for a particular predetermined device, as claimed in combination with the other recited claim elements.

Accordingly, for at least the foregoing reasons, as well as those discussed during the interview, Applicant respectfully submits that neither Lohtia nor Horvitz anticipate or make obvious the claimed invention and that all of the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 21st day of November, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

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